

REMARKS

Claims 1-33 are pending in this application. By this Amendment, claim 1 is amended. No new matter is added by this amendment. Reconsideration of the application based on the above amendment and the following remarks is respectfully requested.

Applicant confirms that claims 1-6, 8, 9, 11-18, 21-23, 25 and 31 continue to read on elected Figs. 6B, 11F, 13C, 14B, 15B, 16B and 19C. Applicant respectfully requests rejoinder of non-elected claims 7, 10, 19, 20, 24, 26-30 and 32-33 when independent claim 1 is found to be allowed. Rejoined is proper because claim 1 is generic to claims 7, 10, 19, 20, 24, 26-30 and 32-33, and thus claims 7, 10, 19, 20, 24, 26-30 and 32-33 would be allowable for the same reasons that claim 1 is allowable. In addition, Applicants assert that all of the species share at least one special technical feature because all of the species share the features recited in independent claim 1, which define a contribution over the prior art. To support this assertion, Ito fails to disclose the special technical features as discussed below, and Berrigan was not even applied.

The Office Action rejects claims 4-6 and 11-14 under 25 U.S.C. §112, second paragraph. By this Amendment, independent claim 1 has been amended to recite "absorbers" in order to provide proper antecedent basis. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

The Office Action rejects claims 1-6, 9, 11-14 and 18 under 35 U.S.C. §102(b) over U.S. Patent No. 4,364,992 to Ito et al. (hereinafter "Ito"). The rejection is respectfully traversed.

Independent claim 1 calls for absorbers having at least one layer and containing a super absorbent polymer and capable of absorbing a body fluid, provided independently in each of the two bags.

The Office Action, on page 5, states that Ito discloses the above-mentioned feature. Ito discloses in Figs. 4-7 a single absorbent layer 7, which extends in the lateral direction. On the other hand, independent claim 1 calls for absorbers provided independently in each of the two bags. For example, Applicant's Fig. 1 illustrates an absorber 40 in a left bag and another absorber 40 in a right bag.

Moreover, such a feature would not have been obvious or reasonably predictable in view of Ito because such a feature gives the additional effect of not providing discomfort to a consumer of such an absorbent article. In particular, the conventional absorbent article disclosed in Ito has a two layer lateral structure that causes discomfort in the crotch of a consumer when filled with body fluid. Whereas, the absorbent article in independent claim 1 alleviates the discomfort because of the absorbers being provided independently of each other. Thus, Ito fails to disclose or suggest the above-mentioned features.

Accordingly, Applicant respectfully requests that the rejection be withdrawn.

The Office Action rejects claim 8 under 35 U.S.C. §103(a) over Ito in view of U.S. Patent Application Publication No. 2003/0089633 to Sorebo et al. (hereinafter "Sorebo"); claims 15-17 under 35 U.S.C. §103(a) over Ito in view of U.S. Patent No. 4,846,813 to Raley; claims 21, 23, 25 and 31 under 35 U.S.C. §103(a) over Ito in view of U.S. Patent No. 5,954,201 to Finch et al. (hereinafter "Finch"); and claim 22 under 35 U.S.C. §103(a) over Ito in view of Finch and U.S. Patent No. 5,674,214 to Visscher et al. (hereinafter "Visscher"). The rejections are respectfully traversed.


Sorebo, Raley, Finch and Visscher fail to overcome the deficiencies of Ito as mentioned above, with respect to independent claim 1. Thus, at least in view of the patentably distinct features of independent claim 1, as well as for the individual features recited in claims 8, 15-17, 21- 23, 25 and 31, the rejections of claims 8, 15-17, 21-23, 25 and 31 should be withdrawn.

Accordingly, Applicant respectfully requests that the rejections be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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